



Practitioner's Docket No. 2437/103

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Turek et al.

Application No.: 09/892,205

Filed: 06/26/2001

For: Method and Apparatus for Establishing a Customized Electronic Site

**Commissioner for Patents  
Washington, D.C. 20231**

**TRANSMITTAL OF FORMAL DRAWINGS**

In response to the NOTICE OF INFORMAL DRAWINGS mailed on August 21, 2001 attached please find:

(a) the formal drawing(s) for this application.

Number of Sheets: 28

Each sheet of drawing indicates the identifying indicia suggested in Section 1.84(c) on the front side of the drawing.

(b) a copy of the NOTICE TO FILE MISSING PARTS

---

**CERTIFICATE OF MAILING (37 C.F.R. section 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Elizabeth P. Morano

(type or print name of person mailing paper)

Date: December 21, 2001

Elizabeth P. Morano  
Signature of person mailing paper

**TOTAL FEE DUE**

**VI.** The total fee due is:

Completion fees	\$1,205.00
Extension fee (if any)	\$200.00
Total Fee Due	\$1,405.00

**PAYMENT OF FEES**

**VII.** Charge Account No. 19-4972 in the amount of 1,405.00.

A duplicate of this request is attached.

Please charge Account No. 19-4972 for any fees that may be due by this paper.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

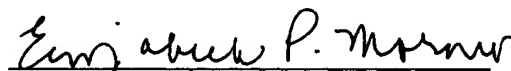
**VIII.** The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 19-4972.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims) 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

Date: December 21, 2001



Elizabeth P. Morano  
Registration No. 42,904  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 02101

## COMPLETION FEES

### IV.

#### 1. Filing Fee

Original patent application

(37 C.F.R. Section 1.16(a))

\$370.00

#### 2. Fees for Claims

Each claim in excess of 20

(37 C.F.R. Section 1.16(c))

\$360.00

Multiple dependent claim(s)

(37 C.F.R. Section 1.16(d))

\$140.00

#### 3. Surcharge Fees

Late payment of filing fee  
and/or late filing of original  
declaration or oath

(37 C.F.R. Section 1.16(e))

\$65.00

#### 4. Petition and fee for filing by other than all the inventors or a person not the inventor

(37 C.F.R. Sections 1.17(i) and 1.47)

\$130.00

#### 5. Recordation of Assignment

\$ 40.00

Total Completion Fees      \$1,205.00

## EXTENSION OF TIME

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

Applicant petitions for an extension of time, the small entity fee for which is set out in 37 C.F.R. Section 1.17(a)(2), for two months.

Fee

\$200.00

If an additional extension of time is required, please consider this a petition therefor.

Date: December 21, 2001

Elizabeth P. Morano

Elizabeth P. Morano  
Registration No. 42,904  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 02101



2020-05-07

#3



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/892,205	06/26/2001	David G. Turek	2437/103

CONFIRMATION NO. 9328

## FORMALITIES LETTER



\*OC000000006456191\*

Date Mailed: 08/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/11/2002 AGOITOM 00000004 194972 09892205

FILED UNDER 37 CFR 1.53(b)

01 FC:201 370.00 CH  
02 FC:205 65.00 CH  
03 FC:203 360.00 CH  
04 FC:204 140.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

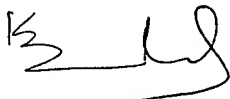
- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$495.
  - \$360 for 40 total claims over 20.
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 915.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice MUST be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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JULIA HUSTON

JUDITH R.S. STERN  
MICHAEL M. FLEMING  
DAVID M. STRIMPEL, D. PHIL.

PATENT AGENTS\*  
SONIA K. GUTERMAN, PH.D.  
YANG XU, PH.D.  
\*NON-LAWYER

## BROMBERG & SUNSTEIN LLP

ATTORNEYS AT LAW  
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BOSTON, MA 02110-1618

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NOT ADMITTED IN MASSACHUSETTS

### FACSIMILE TRANSMISSION

TO: Ms. Beth Schaibly

FAX NO: (310) 327-4858

DATE: July 18, 2000

FROM: Elizabeth P. Morano, Esq. 

OUR FILE NO.: 2437/102

NO. OF PAGES: 56 (including this cover sheet)

### Message

Please note the attached.

Please notify Bromberg & Sunstein at (617) 443-9292, if there are any problems with this transmission.  
123257

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ELIZABETH P MORANO  
T 617 443 9292 x308  
EMORANO@BROMSUN.COM

December 21, 2001

Jon Y. Saferstein, President  
YOLOGO, INC.  
249 East 157th Street  
Gardena, CA 90248

Re U. S. Patent Application for **SYSTEM AND METHOD FOR ESTABLISHING A  
CUSTOMIZED ELECTRONIC SITE**

Serial No.: 09/892,205  
Date Filed: June 26, 2001  
Our File No.: 2437/103

Dear Jon:

Enclosed for your records is a copy of the filing made today with the United States Patent and Trademark Office, along with the necessary petitions, to meet the PTO's filing requirements on the above-referenced patent. We are also forwarding an additional copy of the patent application as filed. Should you have any questions regarding any of the documents, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Elizabeth P. Morano".

Elizabeth P. Morano

EPM/mer  
Enclosure  
02437/00103 185617.1





ELIZABETH P MORANO  
T 617 443 9292 x308  
EMORANO@BROMSUN.COM

December 21, 2001

Ms. Lisbeth J. Schaibly  
12301 First Helena Drive  
Los Angeles, CA 90049

Re U. S. Patent Application for **SYSTEM AND METHOD FOR ESTABLISHING A  
CUSTOMIZED ELECTRONIC SITE**

Serial No.: 09/892,205  
Date Filed: June 26, 2001  
Our File No.: 2437/103

Dear Beth:

Enclosed for your records is a copy of the filing made today with the United States Patent and Trademark Office, along with the necessary petitions, to meet the PTO's filing requirements on the above-referenced patent. We are also forwarding copy of the patent application as filed. Should you have any questions regarding any of the documents, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Elizabeth P. Morano".

Elizabeth P. Morano

EPM/mer  
Enclosure  
02437/00103 185614.1



ELIZABETH P MORANO  
T 617 443 9292 x308  
EMORANO@BROMSUN.COM

December 21, 2001

Mr. David G. Turek  
23135 Park Contessa  
Calabasas, CA 91302

Re U. S. Patent Application for **SYSTEM AND METHOD FOR ESTABLISHING A  
CUSTOMIZED ELECTRONIC SITE**

Serial No.: 09/892,205  
Date Filed: June 26, 2001  
Our File No.: 2437/103

Dear Mr. Turek:

Enclosed for your records is a copy of the filing made today with the United States Patent and Trademark Office, along with the necessary petitions, to meet the PTO's filing requirements on the above-referenced patent. We are also forwarding copy of the patent application as filed. Should you have any questions regarding any of the documents, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Elizabeth P. Morano".

Elizabeth P. Morano

EPM/mer  
Enclosure  
02437/00103 185606.1



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DAVID TUREK  
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PATENT &amp; TRADEMARK

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PATENT &amp; TRADEMARK OFFICE

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# yoLogo Inc.



Telephone: (310) 327-4333 • Facsimile: (310) 327-4858 • Toll Free: (800) 500-MERG (6374)

Sat, Oct 20, 2001

David Turek  
23135 Park Contessa  
Calabasas, CA 91302  
818-222-7010

Ref: NOTARY  
Dept:

Date: 20OCT01	SHIPPING	\$3.37
Wgt: 0.1 LBS	SPECIAL	\$0.13
	HANDLING	\$1.85
	TOTAL	\$5.35

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TRACK: 6030 7311 2270

DEAR DAVID,

As per your original assignment of patent #09/892,205, please find enclosed documentation for you to sign.

Please sign the "Combined Declaration and power of Attorney".

Please sign and notarize the "Assignment".

I have enclosed check #57076 in the amount of \$75 to cover any expenses relating to the notary and mailing.

I will need this documentation back no later than November 5th, 2001.

Thank you for your time.

SINCERELY,

  
JON SAFIRSTEIN  
President

**From:** david <bluspark@yahoo.com>  
**To:** <jon@mergeleft.com>  
**Date:** 8/17/01 3:23AM  
**Subject:** papers



Jon,

Give the papers to Matt to give to me. It's doubtful I will sign anything.

I should make my feelings clear to you. I think you put the screws to me at the end of my working at Merge Left and sold out our friendship for \$100,000. You made enough veiled threats to show that I couldn't count on you to honor our deal. I'm not open to arguing this point or resolving anything with you. I don't consider us friends.

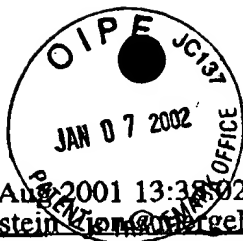
Also, please don't contact my parents. It would sicken me to think they had to talk to you.

david

Wednesday, December 19, 2001

patent

Page: 1



**Subject:** patent  
**Date:** Wed, 15 Aug 2001 13:38:02 -0700  
**From:** Jon Saferstein <jon@mergeleft.com>  
**Organization:** Merge Left  
**To:** David Turek <bluspark@ix.netcom.com>,  
Beth Schaibly <schb@earthlink.net>

I have some documents that need signing for the yologo patent. Unfortunately, they require a notary as last time. This should be it for signatures as this is the final patent application.

Please let me know where I should send the documents. I will also send a check for the notary and a phone number for the traveling notary so you can do it from you home. Should all be fairly painless.

Thanks,

Jon

--

Jon Saferstein  
Merge Left Inc.  
249 E. 157th St.  
Gardena, CA 90248  
800-500-6374  
310-327-4858 (F)  
jon@mergeleft.com



BRUCE D. SUNSTEIN  
LEE CARL BROMBERG  
ROBERT L. KANN  
TIMOTHY M. MURPHY  
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HARRIET M. STRIMPEL, D. PHIL.  
SONIA K. GUTERMAN, PH.D.

SENIOR SCIENTIST\*  
WAYNE G. HASER, PH.D.  
\*NON-LAWYER

**BROMBERG & SUNSTEIN LLP**

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**DOCKETED**

July 10, 2001

THEODORE E. MACVEAGH  
ANNE MARIE LONGOBUCCO  
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ALEXANDER J. SMOLENSKI, JR.†  
F. JAMES COE  
JOHN L. CONWAY  
YANG XU, PH.D.  
†NOT ADMITTED IN MASSACHUSETTS

Jon Y. Saferstein, President  
YOLOGO, INC.  
249 East 157th Street  
Gardena, CA 90248

Re: U. S. Patent Application for **METHOD AND APPARATUS FOR ESTABLISHING A CUSTOMIZED ELECTRONIC SITE**  
Filing Date: June 26, 2001  
Serial No: 09/892,205  
Our File: 2437/103

Dear Jon:

We have received our return postcard from the U.S. Patent and Trademark Office (USPTO) relating to the above-referenced patent application. Enclosed is a copy of our return postcard for your records.

The USPTO date stamp shows that the application was received on June 26, 2001, and was tentatively assigned serial number 09/892,205.

In order to obtain the earliest possible filing date, the application was submitted without an executed Declaration. Therefore, we must now fulfill the filing requirements of the USPTO. Accordingly, we request signatures on various documents. Please have the enclosed documents executed as follows:

1. Combined Declaration and Power of Attorney. Please have each inventor sign and date this document where indicated.

2. Assignment. This document conveys the rights of the above invention from the inventors to yoLogo, Inc. Each inventor should sign and date this document. Please note that each signature must be notarized.

Jon Y. Saferstein, President  
YOLOGO, INC.  
July 10, 2001  
Page 2

3. Small Entity Statement. Please read the enclosed "Important Note Concerning Small Entities" to determine if yoLogo, Inc. qualifies as a small entity. If yoLogo, Inc. qualifies as a small business concern, please sign the enclosed small entity statement. If you have any questions regarding whether yoLogo, Inc. qualifies as a small entity as described in the enclosed note, please call me to discuss further.

I would appreciate receiving the Declaration and Power of Attorney, Assignment, and Small Entity Statement before

**August 10, 2001**

so that we may complete the filing requirements of the USPTO without an additional expense for an extension of time. Additional delay would also result in foreshortening any extension of the patent term to which you would otherwise become entitled if the USPTO were to delay patent prosecution beyond certain statutorily defined milestones. Please see the enclosure entitled "Patent Term Guarantee" for a more detailed discussion of patent term adjustments.] Once we have received the signed documents from you, we will file them with the USPTO, and assuming that no problems are encountered, we can expect to receive a formal filing receipt in due course.

We remind you at this time that an applicant is under a strict duty of candor and good faith. As part of this duty, an applicant is obliged to disclose to the USPTO any and all information of which the applicant is aware that is material to the examination of the application. Such information is considered material where "there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent." 37 C.F.R. §1.56(a).

One means for complying with this duty of disclosure is the so called "Information Disclosure Statement." An information disclosure statement is a listing of patents, publications, or other information, together with an explanation of the relevance of each listed item, together with copies and translations of listed items, as appropriate. Ideally, an information disclosure statement should be filed with the application. However, an information disclosure statement can also be filed within the later of three months after the filing date of the application or before the first office action is issued. Of course, if the applicant becomes aware of any relevant art at any point during the prosecution, it is appropriate to file an information disclosure statement at that time as well.

Therefore, if you are aware of any relevant art, including relevant articles, patents, or other publications (or events such as offering for sale or public use of a product embodying the invention more than one year before the effective filing date of the application), please send us copies of these documents (or information concerning these events) at your earliest convenience so that we may comply with the duty of disclosure. For example, you may have uncovered such

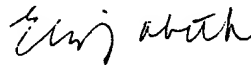
Jon Y. Saferstein, President  
YOLOGO, INC.  
July 10, 2001  
Page 3

documents while researching the subject matter to be patented, or conducting novelty or clearance searches. Also, such documents often turn up during the course of prosecution of a related case in a foreign jurisdiction. If there is any question as to whether or not a particular document or event is relevant, it is advisable to disclose that document or event to the USPTO in order to avoid any possible allegation of fraudulent or inequitable conduct, and to strengthen any patent ultimately issuing on the application.

In accordance with your instructions as understood, we have not filed a request for non-publication of this application. Consequently, the application will be published approximately 18 months from the priority date of **June 26, 2000**.

Thank you for your attention to this matter. Please feel free to call me if you have any questions or comments.

Sincerely,



Elizabeth P. Morano

EPM:dmr/ps  
Enclosures  
02437/00103 163375.1



## Patent Term Guarantee

Under U.S. patent law, the term of a U.S. patent is eligible for day-by-day extensions when the U.S. Patent and Trademark Office ("PTO") fails to perform certain acts within specified time frames. For example, the term of a U.S. patent is eligible for day-by-day extensions if the PTO fails to:

1. initially act on the patent application not later than 14 months after the filing date of the patent application;
2. respond to a complete reply filed by an applicant not later than 4 months after the filing date of the reply; or
3. issue a patent not later than 4 months after the filing date of the issue fee providing all outstanding requirements for issuance are satisfied.

However, the period of adjustment of the patent term is subject to reduction when a patent applicant fails to engage in reasonable efforts to conclude processing a patent application or examining a patent application. In general, the PTO has defined failure to engage in reasonable efforts as failure to respond within 3 months to most PTO notices or actions on the patent application. Thus, for example, failure to file an inventor's oath/declaration within 3 months of receipt of a Notice to File Missing Parts, or failure to file a response to a first Office Action within 3 months of receipt of the Action, or failure to pay the issue fee within 3 months of receipt of the Notice of Allowance will reduce on a day-by-day basis any period of patent term adjustment.

Accordingly, whenever possible, we will endeavor to respond to pertinent PTO notices or actions within 3 months of receipt of the notices or actions. In some circumstances, however, our response is dependent upon your providing us with information or documents. In these circumstances, we ask you to provide us with the information or documents as soon as possible in order to ensure we have the time needed to prepare the response within the 3-month time frame.

For more detailed information on the patent term guarantee provisions of the U.S. patent law, please feel free to call us at (617) 443-9292.